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**COMPLIANCE  
MEMORANDUM**

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Arizona Corporation Commission

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MAY 16 2001

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**TO:** Docket Control Center

**FROM:** Patrick C. Williams *PCW*  
Manager, Compliance and Enforcement  
Utilities Division

**DATE:** May 16, 2001

This Memorandum to the Docket will certify that compliance, as described below, has been met for the referenced utility. The tariff as filed has been verified by Staff as to its accuracy with the Commission's Decision.

**UTILITY:** Forty Niner Water Company

**DOCKET NO.** W-01777A-01-0315 **DECISION NO.** 63659

**COMPLIANCE ACTION:**

*File with the Utilities Division Compliance Section a copy of the curtailment tariff as approved by the Commission within 30 days of the effective date of the Commission's Decision. The tariff will not become effective until the final tariff is filed with the Compliance Section and verified for accuracy by the Compliance Section. The Company shall not implement the curtailment tariff until all current customers have been given notice of the tariff.*

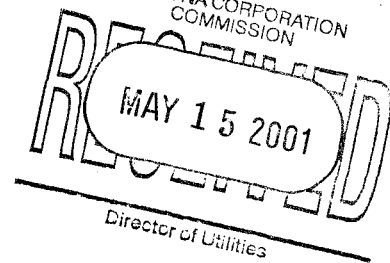
**DUE DATE:** 06/04/2001

**DATE COMPLIED:** 05/15/2001

cc: Forty Niner Water Company  
Post Office Box 85160  
Tucson, Arizona 85754

**FORTY-NINER WATER COMPANY INC.**

P.O. BOX 85160  
TUCSON, ARIZONA 85754  
(520)623-5172



May 9, 2001

Arizona Corporation Commission  
Utilities Division  
Compliance Section  
1200 West Washington  
Phoenix, Arizona 85007

Re: Docket No. W-01777A-01-0315  
Decision No. 63659

Dear Sir or Madam;

As per the above noted Docket and Decision Number we are submitting the enclosed curtailment tariff as approved by the Commission on May 5, 2001.

The curtailment plan will be mailed to each individual customer with the regular monthly water bill on or about May 28, 2001.

If further information is needed, please do not hesitate to call me at the number listed above.

Sincerely,

Bonnie L. O'Connor, V.P., Admin.  
Southwestern Utility Management, Inc.  
for

Forty Niner Water Company, LLC

Enclosure

/BOC

## Tariff Schedule

Utility: Forty Niner Water Company Tariff Sheet No.: 1 of 2  
Docket No.: W-01777A-01-0315 Decision No. 63659  
Phone No.: 520-623-5172 Effective: 5/4/01

### CURTAILMENT PLAN FOR FORTY NINER WATER COMPANY

The Company is authorized to curtail water service, to all customers, residential and commercial, within its certificated area under the following terms and conditions:

#### Stage 1 Exists When:

- a. The Company is able to maintain water storage in the system at 100 % of capacity and there are no known problems with its well production or water storage in the system.

Restrictions: Under Stage 1, the Company is deemed to be operating normally and no curtailment is necessary.

Notice Requirements: Under Stage 1, no notice is necessary.

#### Stage 2 Exists When:

- a. The Company's total storage and well production has been less than 80 % of capacity for at least 48 consecutive hours, and
- b. The Company has identified issues such as steadily declining water table, an increased draw-down threatening pump operations, poor water production creating a reasonable belief the Company will be unable to meet anticipated water demands in the system.

Restrictions: Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 %. Outside watering should be limited to essential water, dividing outside watering on some uniform basis (such as even and odd days) and eliminating outside watering on weekends and holidays.

Notice Requirements: Under Stage 2, the Company is required to notify customers by delivering written notice door to door at each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

#### Stage 3 Exists When:

- a. The Company's total storage and well production has been less than 50 % for at least 24 consecutive hours.  
The Company has identified issues such as a steadily declining water table, and increased draw down threatening pump operations creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis. The Company must rely on an emergency connection with the City of Tucson to augment the minimum needs of the customers.

## Tariff Schedule (continued)

**Utility: Forty Niner Water Company**  
**Docket No.: W-01777A-01-0315**  
**Phone No.: 520-623-5172**

**Tariff Sheet No.: 2 of 2**  
**Decision No. 63659**  
**Effective: 5/4/01**

**Restrictions:** Under Stage 3, the Company shall request the customers to voluntarily employ water conservation measures to reduce daily consumption by approximately 50 %. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed wherever possible.

**Notice Requirements:** a. The Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

b. Beginning with Stage 3, the Company shall post at least two signs showing curtailment stage. Signs shall be posted at the well site and at the entrance to the major subdivision served by the Company.

c. The Company shall notify the Consumer Services Unit of the Utilities Division of the Commission at least 12 hours prior to entering Stage 3.

### **Stage 4 Exists When:**

- a. The Company's total storage has been less than 25 % for at least 12 consecutive hours. The Company has identified issues such as a steadily declining water table, and increased draw down threatening pump operations creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis. The Company must rely on an emergency connection with the City of Tucson to augment the minimum needs of the customers.

**Restrictions:** Under Stage 4, the Company shall inform the customers of a mandatory restriction to employ water conservation measures to reduce daily consumption. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed wherever possible. Failure to comply will result in temporary disconnection.

**Notice Requirements:** a. The Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

b. The Company shall have posted at least two signs showing curtailment stage. Signs shall be posted at the well site and at the entrance to the major subdivision served by the Company.

c. The Company shall notify the Consumer Services Unit of the Utilities Division of the Commission at least 12 hours prior to entering Stage 4.

d. Customers who fail to comply with cessation of outdoor use provisions will be given a written notice to end all outside use. Failure to comply within two (2) working days of receipt of the notice will result in temporary loss of service until an agreement can be made to end unauthorized use of outside water. To restore service, the customer shall be required to pay all authorized reconnection fees.